

AMENDED IN ASSEMBLY AUGUST 1, 2002

AMENDED IN ASSEMBLY JUNE 30, 2002

AMENDED IN ASSEMBLY JUNE 20, 2002

AMENDED IN SENATE MAY 28, 2002

AMENDED IN SENATE APRIL 30, 2002

SENATE BILL

No. 1854

Introduced by Senator Machado
(Coauthors: Senators Ortiz and Torlakson)
(Coauthor: Assembly Member Canciamilla)

February 22, 2002

An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1854, as amended, Machado. Sacramento-San Joaquin Delta Conservancy Program.

Existing law authorizes the State Coastal Conservancy to acquire, manage, direct the management of, and conserve specified coastal lands and wetlands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy Program, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta, as defined, in a coordinated, comprehensive, and effective manner, as prescribed.

The bill would create the Sacramento-San Joaquin Delta Conservancy Program Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The bill would require that the money in the account be segregated into 2 subaccounts; the first of which would contain funds that are appropriated by the Legislature for the purposes of the program; the second of which would contain funds that are appropriated by *the* Legislature and funds derived from other sources, exclusive of federal funds, for the purposes of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.6 (commencing with Section 31180)
2 is added to Division 21 of the Public Resources Code, to read:

3

4 CHAPTER 4.6. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY
5 PROGRAM

6

7 31180. The Sacramento-San Joaquin Delta Conservancy
8 Program is established pursuant to this chapter, to be administered
9 by the conservancy, for the purpose of restoring, enhancing, and
10 protecting the unique agricultural, economic, natural, cultural,
11 recreational, public access, and urban waterfront resources and
12 opportunities of the Sacramento-San Joaquin Delta in a
13 coordinated, comprehensive, and effective manner.

14 31181. (a) The Legislature hereby finds and declares that the
15 Sacramento-San Joaquin Delta constitutes a region of significant
16 statewide importance to the people of California. The Legislature
17 further finds and declares that one of the state's primary goals for
18 the delta is to protect, maintain, enhance and restore the overall
19 quality of the delta environment with respect to resources,
20 including, but not limited to, agriculture, wildlife habitat, public
21 access, and recreational opportunities.

22 (b) The Legislature further finds that, in order to protect the
23 delta, it is important that the urban ~~limit line be confined to~~
24 *development not occur* in the primary zone so that agriculture,
25 wildlife, and recreation ~~be~~ are allowed to flourish.



1 31182. For purposes of this chapter, the following terms have
2 the following meanings:

3 (a) “Commission” means the Delta Protection Commission as
4 established pursuant to Chapter 3 (commencing with Section
5 29735) of Division 19.5.

6 (b) “Delta” means the Sacramento-San Joaquin Delta, as
7 defined in Section 12220 of the Water Code, *and, in addition, the*
8 *area within the incorporated limits of the City of Rio Vista.*

9 (c) “Program” means the Sacramento-San Joaquin Delta
10 Conservancy Program established pursuant to this chapter.

11 31183. The conservancy may undertake projects in the delta
12 with public and private entities, and may award grants ~~and/or loans~~
13 *or loans, or both*, to public agencies, nonprofit organizations, and
14 private entities to achieve the following goals of the program:

15 (a) Implementation of the long-term resource management
16 plan adopted by the commission under Section 29760. In
17 undertaking and funding projects designed to implement the
18 resource management plan and projects undertaken by the
19 conservancy not included in the resource management plan, the
20 conservancy shall work in conjunction with the commission and
21 shall consult public and private entities and individuals, including
22 advisory committees established under Section 29753 and similar
23 groups, as appropriate.

24 (b) Promotion of farming in a manner that integrates
25 agricultural activities with environmental protection and that also
26 sustains the economics of the region, through wildlife-friendly
27 farming practices, implementation of innovative farming
28 technology, improvement of water quality and water usability,
29 enhancement of habitat, integrated pest management practices,
30 and other approaches.

31 (c) Protection of farmland, including, *but not limited to*, land
32 used or usable for grazing.

33 (d) Restoration, enhancement, and protection of open-space
34 and natural areas, consistent with the rights of private property
35 owners.

36 (e) Compatibility of agricultural and other private land uses,
37 with low-impact public access, recreational, and educational uses
38 and wildlife protection.

39 (f) Implementation of the policies, programs, and plans of the
40 commission, the CALFED Bay-Delta Program, and the adopted

1 plans of local governments and special districts that are consistent
2 with the policies, programs, and plans of the commission.

3 (g) Collaboration with public or private entities and individuals
4 that support the economy of the communities and rural areas of the
5 delta, including urban waterfronts.

6 (h) Provision of public access and recreational opportunities,
7 with due regard for the rights of private property owners and
8 mineral interests owners.

9 (i) Provision, protection, and enhancement projects that
10 provide open-space and natural areas, consistent with the rights of
11 private property owners and mineral interests owners.

12 (j) For purposes of this chapter only, the conservancy shall not
13 undertake or fund any acquisition of property rights where there
14 is not a willing seller.

15 31184. In developing projects under the program, the
16 conservancy shall give priority to those projects that meet all of the
17 following criteria:

18 (a) Supported by adopted local or regional plans.

19 (b) Serve a multijurisdictional or regional constituency.

20 (c) Include matching funds from other sources of funding or
21 assistance. The matching funds obligation can be satisfied by the
22 provision of in-kind activities that further the goals of the
23 conservancy.

24 (d) Can be implemented in a timely manner.

25 (e) Serve more than one of the goals described in Section
26 31183.

27 ~~31185. (a) Prior to the conservancy approving a conservancy~~
28 ~~program project, the Delta Protection Commission, upon notice~~
29 ~~by the conservancy of a proposed project, shall within 60 days of~~
30 ~~that notice forward a recommendation on the proposed project to~~
31 ~~the conservancy. The commission may recommend one of the~~
32 ~~following to the conservancy:~~

33 ~~(1) That the proposed project is consistent with the long-term~~
34 ~~resource management plan.~~

35 ~~(2) That the commission needs more information on the~~
36 ~~proposed project prior to a recommendation.~~

37 ~~(3) That there should be conditions imposed on the proposed~~
38 ~~project so that the project is consistent with the long-term resource~~
39 ~~management plan.~~

1 ~~(4) That the proposed project is not consistent with the~~
2 ~~long-term resource management plan.~~

3 ~~(b) If no recommendation is forwarded within 60 days, the~~
4 ~~proposed project shall be deemed consistent with the long-term~~
5 ~~resource management plan.~~

6 *31185. At least 60 days prior to the conservancy approving the*
7 *implementation of a program project, the conservancy shall*
8 *submit a summary describing the project to the Delta Protection*
9 *Commission for review. If the Delta Protection Commission has*
10 *not, within 60 days from the date of that submission, acted to*
11 *disapprove the proposed project on the grounds that the project is*
12 *in conflict with the long-term resource management plan, the*
13 *project may proceed pursuant to this division.*

14 *31186. (a) The Sacramento-San Joaquin Delta Conservancy*
15 *Program Account is hereby created in the State Coastal*
16 *Conservancy Fund, for the purpose of depositing and disbursing*
17 *funds for the administration and implementation of the program.*

18 *(b) (1) The money in the account created pursuant to*
19 *subdivision (a), which shall be available for expenditure upon*
20 *appropriation by the Legislature, shall be segregated into two*
21 *subaccounts, as follows:*

22 *(A) The first subaccount shall contain funds that are*
23 *appropriated by the Legislature for the purposes of this chapter.*
24 *Any interest that accrues on the funds in this subaccount shall be*
25 *transferred to, and deposited into, the General Fund. The*
26 *conservancy shall account for all deposits of funds in this*
27 *subaccount that are derived from funds that were appropriated by*
28 *the Legislature for the purposes of this chapter.*

29 *(B) The second subaccount shall contain funds that are derived*
30 *from other sources, exclusive of federal funds, for the purposes of*
31 *this chapter, including, but not limited to, private donations made*
32 *for the purposes of this chapter, regulatory fees, and local*
33 *government contributions made for the purposes of this chapter.*
34 *Any interest that accrues on the funds in this subaccount shall be*
35 *retained in the subaccount and shall be available for expenditure*
36 *by the conservancy for the purposes of this chapter. Not more than*
37 *3 percent of the funds that are deposited in this subaccount shall*
38 *be utilized by the conservancy for general administration and*
39 *planning purposes. No funds shall be expended from this*

1 subaccount for any activity that would require a commitment of
2 state funds in the future.

3 (2) All reimbursements, proceeds of sale, or other money
4 received by the conservancy for the purposes of this chapter that
5 are not expended on projects authorized under the program shall
6 be deposited in the appropriate subaccount of the account.

7 (c) The conservancy is not required to undertake any activity
8 pursuant to this chapter until funds from new sources that are not
9 available to the conservancy as of January 1, 2003, are
10 appropriated by the Legislature or otherwise made available to the
11 conservancy for those purposes, and until the State Coastal
12 Conservancy Fund is reimbursed from moneys in the account for
13 any administrative or general planning funds expended by the
14 conservancy for the purposes of this chapter prior to the
15 appropriation of funds to, or the availability of funds in, the
16 account for those purposes. In accomplishing the objectives of this
17 chapter, the conservancy may exercise its authority as provided for
18 in this division, as well as pursuant to any other express or implied
19 authority granted to the conservancy.

20 31187. In the report to the Governor and the Legislature
21 required by Section 31108, the conservancy shall discuss its
22 progress in addressing the goals of this chapter, including, but not
23 limited to, implementation of the long-term resource management
24 plan adopted by the commission under Section 29760.

